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Chapter 2:

Max Weber, Bureaucracy, and Corruption

William D. Rubinstein and Patrick von Maravic

1. Introduction

Max Weber (1864-1920), the great German sociologist, was probably the most formative intellectual progenitor of the theoretical framework in which bureaucracy has been studied and approached during the past century, and has obvious relevance to our knowledge of corruption and corrupt practices.

It does not appear that Max Weber (1864-1920) wrote anything of a lengthy and considered nature about corruption in modern societies; his thoughts on this subject, in so far as they exist, appear to be contained in his views on bureaucracy and 'modernity'. In so far as Weber had a view of political or bureaucratic corruption, then, it is fair to term it an evolutionary one: corruption was the hallmark of an earlier, more 'primitive' stage of society, and would eventually vanish with the triumph of a professionalized bureaucracy. Weber's implicit views on corruption are chiefly contained in his writings on bureaucracy (Weber 1922) and, to a lesser extent, in his writings on the 'vocation' of politicians (Weber 1948).

Although Weber for the most part insinuates the notions of corruption and favouritism, the conceptual and empirical implications arising thereof will most certainly pique the interest of a student of corruption analysis. To trace the distinct Weberian perspective, our first section will characterize the time and *Zeitgeist* of Weber's writings in terms of nepotism and corruption in Europe and abroad; the second will link the historical evolution of a Weberian bureaucracy in England in the nineteenth century to cases of patronage and nepotism. And what will we learn? First, and as will be argued in the third section, a Weberian thinking about corruption must start with the distinction between three ideal types of domination (traditional, charismatic, and legal-rational) that form the basis for analysing the relationship between rulers and the ruled. Second, the Weberian perspective on corruption offers both (1) a lens for the analysis of systemic forms of corruption that have the character of a 'web of reciprocities', where corruption and its causes are located in the wider context of a specific form of domination and personal rulership (see Huberts, this volume); and (2) a concept of legal-rational order that lays the foundation for an explicit understanding of corruption, one which has the misuse of public power for private gain and deviance from legitimate order at its conceptual heart.

2. Weber and his time – The Dreyfus Affair, the Panama Canal Scandal etc.

Although Weber was well-informed on corruption in local American politics, to a certain extent, his silence is somewhat surprising, since there were, in Weber's lifetime, many corruption scandals in 'modern' societies of which he must have been aware. In France, the Panama Canal Scandal of 1889-92 brought the Third Republic to its knees, and is seen as paving the way for the Dreyfus Affair a few years later. In it, 104 deputies in the French Parliament (some sources claim 510 deputies) were accused of taking bribes to keep quiet about the financial difficulties of DeLessup's Panama Canal Company, which hoped to construct the Panama Canal, eventually built by the Americans. One of those accused of bribe-taking was Georges Clemenceau, France's wartime Prime Minister (Tombs 1996: 457). Some of those accused of bribe-taking were Jewish financiers, who were singled out for attack by the same sources on the French right as would launch the more celebrated Dreyfus Affair three or four years later. In supposedly incorruptible Britain, there occurred in 1912 the Marconi Scandal, in which four high-ranking Ministers in H.H. Asquith's Liberal government, among them future Prime Minister David Lloyd George, were accused of what would now be termed 'insider trading' in shares in the British Marconi Company, just before it was awarded a lucrative government contract for the construction of wireless installations around the British Empire. This affair became a *cause célèbre* in Britain at the time; the four men were acquitted of any wrongdoing by a Parliamentary committee which voted along partisan lines. A number of other scandals involving government finance also occurred in Britain at this time (Searle 2004: 434-438). But Europe's corruption was obviously dwarfed by that which had occurred in the United States since the end of the American Civil War of 1861-65. American urban governments, in particular, became virtually synonymous with political 'bosses' and endemic bribery and the misappropriation of public money. Perhaps the most notorious corrupt American urban machine politician was William M. Tweed (1813-78), known as 'Boss' Tweed. He was the head of Tammany Hall, the Democratic party's machine's headquarters in New York. In 1870-72, just after the Civil War, Tweed and his allies stole a sum estimated at between \$40 million and \$200 million from New York City. They typically operated by inflating the cost of public works and pocketing most of this inflated sum. Their most notorious theft was that in the construction of the so-called 'Tweed Courthouse' in New York, which cost taxpayers \$13 million, of which \$10 million went into the pockets of Tweed and his friends. Tweed himself was eventually convicted and jailed, but this type of corruption certainly continued into the twentieth century, with cities such as Chicago, Jersey City, St. Louis, and Kansas City (among many others) becoming synonymous with corruption, kickbacks, and bribery. Many of these political 'machines' were built on the

votes of new non-English-speaking immigrants, who were provided with jobs and welfare benefits in exchange for political loyalty. The endemic nature of political corruption at the local (but not to the same extent or as blatantly at the national) level was remarked upon by many foreign observers of the American scene, who also noted the virtual abandonment of urban political life by 'respectable' old stock elite Anglo-Saxons, and the dominance of most urban machines by ethnic politics (See, for instance, Benson 1978: 17-88).

It is difficult to believe that someone as ubiquitously intelligent and well-informed as Max Weber was not well aware of the extent of *political* corruption in many 'modern' societies – although Germany itself appears to have been relatively free of such political corruption, or at least of notorious scandals emerging from accusations of corruption. Perhaps this is why Weber's explicit and implicit critiques of corruption were apparently confined to discussions of bureaucracy rather than of the political process and elections in 'modern' nations. Weber held a realistic view of 'machine politics' in the United States, which he toured in 1904 (Gerth/Wright Mills 1948: 14-18). He visited such cities as Chicago and St. Louis and was fully aware of the centrality of corrupt 'machines' to local politics, which he regarded as a necessary evil. He also believed that political 'spoils' would necessarily diminish with the professionalization of the civil service and of welfare provisions (Gerth/Wright Mills 1948: 18; Weber 1948: 110-111).

In so far as Weber had a view of political or bureaucratic corruption, then, it is fair to term it an evolutionary one: corruption was the hallmark of an earlier, more 'primitive' stage of society, and would eventually vanish with the triumph of a professionalised bureaucracy. America's apparent exception to this was the result of its anomalous position as a frontier society with extremely large numbers of impoverished immigrants from more 'primitive' societies in eastern and southern Europe, Ireland, and elsewhere, and would also eventually vanish.

3. Weber, Bureaucracy, and Corruption: How Accurate?

A number of points ought to be made about Weber's views on corruption. First, it is consistent with other evolutionary views of the progress of the state and society which appeared either at about the same time as Darwin's theory of evolution, or were influenced by it. In England, an analogous view to Weber's, at least by implication, was voiced by the famous English legal historian Sir Henry Sumner Maine (1822-88) in his 1861 book *Ancient Law*. In Maine's famous phrase, the evolution of laws in the Western world was 'from status to contract', whereby law by divine authority evolved into governance by aristocracies and then into formal law codes – a progression not dissimilar to Weber's celebrated 'ideal types' of authority (see below). Maine's view, as a major legal and academic authority in Victorian England

(he was Regius Professor of Civil Law at Cambridge University), also reflected the hegemony of laissez-faire capitalism and of free trade, which gained ascendancy in Britain in 1846, when the United Kingdom abolished all, or nearly all, tariffs and the high mark of Victorian England's prosperity and industrial zenith were reached. It also had something in common with the liberal ideology of Maine's contemporary John Stuart Mill, who argued that rationality and rational decisions could only grow out of the free and unfettered exchange of ideas and opinions. Weber himself had relatives in Manchester who were engaged in the cotton trade, and his brand of conservative liberalism, seldom associated with German politicians or intellectuals at this time, was probably influenced by his affinity with England and the English-speaking world. His 'Protestant ethic' theory also plainly saw an affinity between British, American, and German Protestant capitalists, and would perhaps implicitly deny the negative and sinister 'special path' to modernity which so many historians have attributed to twentieth-century Germany, albeit largely because of events which occurred late in Weber's life or, more emphatically, after he died in 1920. Another champion of a distinctly evolutionary view of human society was Karl Marx. In contrast to Weber and British evolutionary liberals, Marx would surely not have believed that political or bureaucratic corruption would diminish and wither away in time, at least in any capitalist society. While capitalists might well favour a system of laws whose trajectory was from status to contract, the very nature of capitalist society ensured the continuation of massive and even pervasive corruption, and the example of gross corruption in the United States and elsewhere would have come as no surprise to Marxist theorists, any more than would attempts by government contractors to succeed through bribery or any other improper means. A Marxist view of corruption in modern (pre-socialist) societies was distinctly less starry-eyed than a Weberian view.

Yet there is ample evidence that, broadly speaking, Weber was fairly accurate in his assessment of the gradual but steady diminution in bureaucratic corruption. This process is well illustrated in England, where a highly corrupt government infrastructure in the eighteenth century gave way to a governmental structure, and in particular a professional civil service, which were renowned for their impartiality and lack of corruption or corrupt practices. Britain during the eighteenth and early nineteenth centuries was dominated by a network of leading government office-holders and their close relatives who profited enormously and deliberately from government revenue. For instance, James Brydges, first Duke of Chandos (1674-1744), who was Paymaster of the Queen's Forces from 1705-13, made £600,000 – an astronomical sum – from taking a share of everything spent by the British government on the military during the War of the Spanish Succession. He is regarded as the earliest British millionaire, and was made a duke, the highest rank in the British aristocracy. As his entry in the *Oxford Dictionary of National Biography* notes, 'public office was regarded as a legitimate source of profits' at that

time, far beyond an office-holder's official salary. As late as the early nineteenth century, John Scott, first Earl of Eldon (1751-1838), Lord Chancellor (i.e., head of the British judiciary and a member of the Cabinet) in 1801-06 and 1807-27, amassed a fortune of at least £700,000 (around £70 million today) by receiving a percentage of all the legal fees coming through England's superior courts, far beyond his official salary. The period in British history down to the 'Age of Reform' in c1800-35 was marked by what is often termed 'Old Corruption', with vast perquisites and salaries coming to fortunate office-holders, often closely connected with the British aristocracy, often for holding positions with no duties and which were often absurd in nature. For instance, in the 1820s Lord Auckland, an aristocratic landowner, received a salary of £1400 *per annum* (about £140,000 today) as 'Vendue-Master at Demerara', in British Guiana, 'where he had never been,' as one radical critic noted, and another £1900 *per annum* as 'Auditor to Greenwich Hospital' for, in the words of this radical 'doing nothing.' (Rubinstein 1987: 275). Hundreds of similar examples existed at the time.

All of the historical evidence suggests that this world of 'Old Corruption' was thoroughly reformed by the 1840s, so that virtually nothing was left of it by the mid-Victorian period. A major landmark along the way was the Trevelyan-Northcote Report of 1853, named for the politician and senior civil servant who wrote it, which deliberately attempted to stamp out patronage in the British civil service, and recruit future civil servants through examinations. Its recommendations were enacted in stages between 1855 and 1870. It also became absolutely obligatory by that time that political office-holders such as Cabinet Ministers not profit in any way from their offices beyond their official salaries. By 1860 at the very latest, the kind of gross profiteering from office made by the Duke of Chandos or Lord Eldon had become illegal. In fact (and notwithstanding the Marconi Scandal and other such rare events), *no* British Cabinet minister has ever been known to profit from corrupt practices: certainly none has ever been prosecuted, or become notorious for such behaviour. The nearest to an exception was probably David Lloyd George, Prime Minister 1916-22, who allegedly built up a personal fortune through the sale of honours (titles of nobility and knighthoods) just after the First World War. To be sure, many British Cabinet ministers have profited indirectly from their offices, especially during the past forty years or so, by gaining lucrative directorships after leaving office, from writing well-paid memoirs, or (in the case of Prime Ministers) embarking on lucrative lecture tours, but as a rule these have occurred after retirement from office. Just as remarkably, British civil servants appear to be unusually honest, and it actually very difficult – perhaps impossible – to point to more than a handful of occasions when civil servants profited illegally from their posts beyond their official salaries. This generalisation is also true of British administrators throughout the Empire, when it existed. Obviously, it is entirely possible that some dishonest civil servants 'got away with it', and some as-

pects of local politics in Britain, especially in cities where one party is permanently likely to be elected, are known for their corrupt practices, at least in a minor way. Nevertheless, the British governmental and civil service administrative structures do *appear* to have evolved, from c1800-1900, in a way consistent with the Weberian type bureaucracy (see below). There are a number of reasons for this which may have been peculiar to Britain. Most Cabinet ministers of this period and virtually all civil servants were educated at a British 'public school' and at Oxford or Cambridge universities, and absorbed the 'gentlemanly' code instilled there. Many Cabinet ministers were very wealthy, and did not need to engage in corrupt practices when these became illegal. The official system of auditing of accounts, Parliamentary oversight, a free press, and an articulate Opposition made corrupt behaviour very difficult, especially on a large scale, with the penalties for being caught very severe, both in terms of long prison sentences and notoriety for the offender and his family in 'Society'. Administrative civil servants, although generally drawn from the lower part of the middle class, were reasonably well paid to start with and very well paid in senior positions. They enjoyed lifetime tenure and could look forward to an honour such as a knighthood upon retiring, and a generous pension. Few were prepared to sacrifice this for the rewards of petty or even large-scale corrupt practices. It is a fact that no, or virtually no, such scandal ever occurred in Britain.

British political behaviour was also reformed in a way consistent with Weber's theories. Eighteenth century politics in Britain was marked by widespread corruption and bribery, with only small numbers of adult males having the vote, and thus readily open to various forms of payment in exchange for their votes, elections being held in public rather than being secret. Defenders of this situation justified it as indicative of 'British liberties': as the famous historian Sir Lewis Namier put it, 'No one bribes when he can bully'. These practices, too, gradually disappeared in the nineteenth century with, for instance, the secret ballot being introduced in 1882 and virtually all adult males given the vote by 1884, the open briber of voters then being both illegal and prohibitively expensive.

The Weberian trajectory of Britain, from widespread corruption to the apparent near-complete absence of it, might or might not have occurred elsewhere. The violent revolutions experienced in modern Europe, and the pre-1789 traditions of powerful autocratic royal or noble rule, were quite different from the relatively peaceful evolution of Britain's institutions. Yet Weber clearly believed that the German bureaucracy of his time exhibited the characteristic of freedom from corruption depicted in his conception of a legal-rational bureaucracy. Broadly speaking, Weber appears to be correct, at least in his depiction of the bureaucracies and, less emphatically, the state structures of advanced, 'modern' nations. All international indices of corruption in the contemporary world invariably show that the least corrupt nations and bureaucracies have the most advanced socio-economic statistics and statistical

indicators, in terms of literacy and levels of education, high *per capita* incomes, urbanisation, welfare provisions, a free press and media, and so on. It is, overwhelmingly, Third World nation-states, especially in Africa and the Arab world, which are found to be the most corrupt, and also score lowest on most indices of 'modernisation'. This may seem self-evident, but, as noted in the British case, Western nations are not necessarily free from even gross corruption at relatively 'advanced' stages of their development.

Many observers would, however, claim that Weber was being far too sanguine and optimistic in his assessment of the absence of corruption in 'modern' bureaucracies and state structures. Certainly innumerable examples of corruption, in some cases (such as Italy) reaching to the highest officials in the land, have been alleged or proven in recent decades in advanced Western societies, while corruption at all levels is apparently endemic throughout much of the Third World. Many factors have become evident since Weber lived and wrote – he died at the age of only fifty-six in 1920 – which were not apparent then, and particularly during the past thirty or forty years. These include the phenomenal increase in wealth and incomes among the rich in the age of 'globalisation'; the vast size of state bureaucracies, with their vast contracts for military and civilian works; and universal independence granted to Third World and non-Western societies, often rich in natural resources, whose leader and state bureaucracies either entirely lack the Western traditions of immunity from corruption or, indeed, represent societies where bribery and gift-giving are the norm. Weber also lived before the era of highly 'professional' international organised crime rings and money-laundering, or the ability to transfer illegal or semi-legal funds to international and anonymous banking centres and tax havens. In societies such as post-Communist Russia, the very era since the end of the Soviet Union in 1989-91 is often termed that of the 'republic of oligarchs', where incredibly vast fortunes have been made almost overnight, often through violent and corrupt means, in a society where total state control of the economy was the invariable rule for nearly seventy-five years. Yet even in Russia, the past few years have apparently seen a more settled, orderly, and legalistic state apparatus than was the case a few years ago. For all of what might be termed its wishful thinking and unreality, Max Weber's depiction of evolutionary trends and norms, at least in the European and Western world, appears to have considerable merit and accuracy.

Weber's broader views on bureaucracy and rationality are, however, certainly not unproblematic insofar as he has attempted to link the two as a virtually inevitable evolutionary process. While many Western bureaucracies have seemingly eschewed the grosser forms of corruption, they have also, at least in some political milieus, been complicit in far worse crimes and practices. The ease with which the German bureaucracy and civil service of the Wilhelmine and Weimar periods became vehicles for enacting Nazi atrocities and criminality is notorious, while bureaucracies in other totalitarian regimes,

including the Soviet Union and its satellites, have also similarly acted as rubber stamps for the enormities of their governments. Indeed, there seems to be a general rule that bureaucrats will avoid personal corruption far more readily than they will avoid the crimes against humanity, including mass murder, carried out by their governments. There are a number of reasons for this. Personal corruption can often be readily identified and punished, while cooperation in government-sanctioned programmes of persecution or invasion are rewarded; the very ambience of totalitarian societies, and especially, perhaps, their bureaucracies, is wholly unsympathetic to personal dissent; even if a bureaucrat is personally opposed to a governmental policy, he has the excuse of the necessity to obey orders and of deferring to higher authority. It may be that (as Namier suggested) personal corruption is tolerated, at least in the West, in societies with some degree of personal liberty and economic freedom, while unquestioning obedience is the invariable rule in totalitarian societies, whether to the state or in the slightest toleration of corrupt practices initiated from below or outside the state apparatus.

4. Analyzing Corruption in a Weberian Style?

The preceding historical perspective on Weber's work establishes his awareness of nepotism and corruption. Indeed, patronage and favouritism were often regarded as normal. The rise of bureaucracy in England, Prussia, the United States, and France (Silberman 1993) paved separate paths for public versus private life, and within the former arose an understanding of corrupt behaviour in government. The remaining sections will inspect the conceptual side of Weber's recognition of corruption and illustrate how his ideas are useful to modern societies.

Weber was interested in how legitimate political and economic order is created and maintained. His work illustrated how a society effectively restrains certain forms of behaviour and encourages others (Scott 1972: 16). His main focus was on social relationships between, for example, the ruler and the ruled, how they relate to each other, and how they form an understanding of legitimate order. Stable social relationships are explained by the perception of legitimate order, which guides behaviour and makes it predictable. Legitimate and stable order is therefore based on the existence of formal and informal rules. It is not accounted for by actors' interests or habits so much as it is by the acceptance of social regulatory systems. Obedience within different systems of domination in Weber's view is therefore firmly linked to perceptions of legitimacy. For Weber it was clear that societies change and progress by the process of rationalization, which in turn can change the sources of legitimacy as well as create friction. His wide-ranging comparative and historical approach to different types of legitimate political order, and his writings on the operating modes and administrative arrange-

ments by which rulers exert authority (Eisenstadt 1959; Fry/Raadschelders 2008; Schröter 2007; Weber 1972) have been extremely influential on social scientists when thinking about different types of legitimate order.

A Weberian thinking about corruption begins with the distinction between his ideal types of domination: traditional, charismatic, and legal-rational. The three form the basis for the analysis of the relationship between the rulers and the ruled. Briefly said, under *traditional* rule everything is set in its place; power is inherited within a clan structure that often forms a centuries-long dynasty. All members know their places and what is expected of them. *Charismatic* societies rely on one great leader or set of cooperative leaders whose (often brilliant) tenure is terminated only by death. Examples are founders of religious movements, military leaders, and popular party politicians. Charismatic authority often goes hand in hand with a mission, a promise of salvation, or an explicit ideology – ends that are not important to the patrimonial type of rule. People obey charismatic leaders because they firmly believe in the leaders' magical power or are drawn to their exceptional personal attributes (Weber 1972: 221-225), but the dependence on a single person and his or her charisma makes it a fragile type of rule. In contrast, (bureaucratic) power in *legal-rational* rule is exerted on the basis of clear rules whereby the ends justify the means of execution. The instrument is run by competent, trustworthy experts and is guaranteed by professional self-governance ruled by meritocracy.

Charismatic domination does not seem to offer a discrete perspective on corruption because elements of patronage can be a strategic part of this type of domination as well. The most fruitful distinction for the analysis of corruption derives from the *traditional* and *legal-rational* types of domination. The two types offer a conceptual departing point for an analytical distinction between (1) a public-office-based definition of corruption as the misuse of public office for private gain (Gardiner 2005; Nye 1967: 419) under legal-rational rule, and (2) a favouritism-based definition of corruption that forms an inherent part of a patrimonial 'strategy of rulership' (Roth 1968: 197) to win personal loyalties by distributing material rewards (commonly known as nepotism (family) or patronage (friends)). In defining the public official's role within the legal-rational system of a bureaucracy, Weber emphasized the contrasts to common practices in so-called pre-bureaucratic systems, the most important of which is traditional domination. Jacob van Klaederen, for example, has described the Inca society as patrimonial, in which a ruler 'legitimately' engages in a self-centred distribution and acquisition of resources. This type of behaviour must be considered a genuine strategy of personal rulership that no one would challenge as corrupt in the legal-rational sense; it legitimately establishes order in a hierarchical society (van Klaveren 2005: 83). All too often Weber's work has been associated with the public-office definition of corruption rather than the favouritism-based one, despite the fact that the latter offers a compelling additional perspective for the analysis of

patrimonial types of corruption in modern states. Unfortunately, it has been mostly applied to developing countries, which are generally conceived as traditional societies (e.g. Médard 2005). This undermines the heuristic usefulness of Weber's ideal types for the analysis of modern societies.

Weber's types of domination are also too often understood as precise descriptions of reality, which is a misinterpretation. They are *ideal*, not real; they are neither descriptions of reality nor representations of a normatively desirable state. There are various ways to describe their usefulness: (1) they distinguish and delineate social phenomena by describing their core elements, (2) they serve as an analytical tool of counterfactual thinking to discern the important elements of a phenomena within a vast sea of empirical facts, (3) they are idea constructs that help put the chaos of social reality in order (Rossi 1987), (4) and they can be a measure of empirical deviation from the ideal in comparative studies (Eliaeson 2000). Conceptually they are pure; in reality, they usually occur in mixtures (Weber 1922: 45). The categories of domination should therefore be independent of other distinctions; think, for example, of classical distinctions in political science between democracy, authoritarianism, and totalitarianism. Within each of the latter the legitimacy of a ruler can be based on one or another type of domination. Weber was critical of the notion that bureaucracy and democracy were two sides of the same coin, and showed, for example, that feudal lords used the technique of bureaucracy to govern (see Weber 1922: 36). Without blurring the conceptual difference between democratic and authoritarian regimes, Weber's ideal types allow us to recognize the common elements within them.

4.1 Favouritism, Personal Rulership, and Web of Reciprocities

The belief in the sanctity of tradition, heritage, and customs forms the basis of patrimonial domination, in which the succession of rulers is determined by birth, clan membership, and personal loyalty. Rather than abstract definitions of merit or certificates of education leaders are recruited on the basis of personal relationships (Weber 1972: 219-221).

Guenther Roth's work on recently decolonized countries opens a conceptual pathway from Weber's work to an analysis of corruption in modern states. Roth reconsiders Weber's concept of patrimonial rulership and observes that in many decolonized states 'traditionalist legitimacy has disintegrated' (Roth 1968: 194) and that Weber's sociology of *Herrschaft* (dominance) deals not only with 'beliefs in legitimacy but also with the actual operating modes and administrative arrangements by which rulers 'govern', not just 'rule'' (Roth 1968: 195). Roth argues against a narrow interpretation of patrimonialism anchored solely in the ideas of tradition and hereditary succession. Instead he suggests using 'personal rulership' as a subcategory of patrimonialism. Here, personal loyalty does 'not require any belief in the

ruler's unique personal qualification, but is inextricably linked to material incentives and rewards' (Roth 1968: 196). Roth's modernization of Weber's patrimonial rule offers an opportunity to 'transcend[s] the dichotomy of tradition and modernity' (Roth 1968: 197) and the concept can therefore be used for contemporary regimes.

In a Weberian-Rothian perspective, corruption must therefore be more broadly seen as a strategy to exert power and influence people through 'connections [and] favouritism', as Roth has shown in 'Personal Rulership, Patrimonialism, and Empire-Building in the New States' (Roth 1968: 203). This favouritism-based perspective teaches us that corruption can be viewed not as a singular individual failure but as a coherent strategy to achieve obedience and regime stability with favouritism having 'a logic and rules of its own' (Eilbaum 2006: 4).

Because a public-private distinction is non-existent, patrimonial rulers consider 'the state' – or everything they have control over – as a means to maximize their personal profit. Weber described the office at the time of the Middle Ages as a source for extracting private rents ('*ausbeutbaren Renten- und Sportelquelle*') (Weber 1922: 14, 18-19). This extends to the office-holder's staff as they extract rents from the office and consider it their property. It is not, of course, a static situation: a patrimonial ruler is in permanent struggle with his staff over ultimate control, using favouritism as the means to it (Roth 1968: 195). Guenther Roth observed this typical form of personal rulership as an 'ineradicable component of the public and private bureaucracies of highly industrialized countries' (Roth 1968: 196), noting especially 'old urban machines' such as Chicago or Detroit:

'The old urban machines are a familiar example. They had, of course, some kind of traditionalist legitimation because of the immigrants' Old World ties, but they functioned primarily on the basis of personal loyalty – plebeian, not feudal – and material reward; offices were distributed by a noncharismatic and nonbureaucratic ruler, and occupying them amounted to holding a benefice. The boss might have had great power, but his legitimacy was precarious; thus he had little authority and had to envelop his 'clients' in an intricate web of reciprocities' (Roth 1968: 198).

The ruler distributes favours by either selling or giving 'jobs', 'benefices' or 'offices' that may be used partly for personal gain but demand loyalty to the ruler throughout their tenure. This 'web of reciprocities', as Roth termed it, obliges the ruler and the ruled to be co-dependent. In the case of 'machine politics' political coalitions use their influence to reward supporters with public goods, a well-known reflex phenomenon of political parties after an election victory (Krebs 2005). J.C. Scott argues that this type of political 'machine' aims at the 'political consolidation of the beneficiaries of the patronage and graft system' (Scott 1969: 63) and points out that it cannot attribute for more the random or sporadic forms of corruption that often occur in administrative systems. Taking this point seriously means that not all forms of corruption fall under personal rulership or machine politics, and that

the Rothian perspective emphasizes a more stable and systemic form of favouritism-based corruption whose practices are not considered illegitimate and ultimately contribute to the stability of the system.

Nicolás Eilbaum seemed to have this in mind when he employed the concept to research corruption in Argentina. He demonstrated that the Menem administration was stable and illegitimate at the same time, despite the lack of charisma and rationality (Eilbaum 2006).

‘Corruption can thus be made sense of as part of the government’s pursuit of stability in a context where no source of legitimacy was available ... [It is] inherent to a political regime where rulership is supported by the personalized distribution of resources, insofar as no other bases of domination exist’ (Eilbaum 2006: 6).

4.2 Legal-Rational Rule, Corruption, Deviance from Legitimate Order

An explicit understanding and legally-sanctioned definition of public-office-based corruption comes into existence with the separation of private household and public office, which occurs with the rise of a bureaucratic system. Weber’s feudal system is characterized by the appropriation of benefices to officeholders; the legal-rational system is dominated by an explicit rule system that sanctions the use of public power for private means. As the ideal bureaucracy is necessarily linked to the notion of legal authority, legitimacy is based on the rule of law. This means that abstract rules are applied to particular cases, and the impersonal order is dominated by a legal code that claims obedience from members of the organization. Corruption means therefore deviance from legitimate order.

The *legal-rational* type of domination (Weber 1972: 217-219) stands in stark contrast to personal rulership types where belief in reason, a constitutionally-regulated legislation, professional training, and efficiency do not hold sway. Weber saw bureaucracy as the most rational instrument of executing legal authority (Weber 1922: 24), the most efficient form of organization yet devised by men.¹ In its most advanced state the bureaucracy would be driven *sine ira ac studio*, ‘without anger or jealousy’ (Weber 1922: 26), a phrase that emphasizes its professional, impersonal, passion-free, rational machinery. Highly trustworthy, professional experts within a system of meritocracy are best to run the instrument. The guiding norm of bureaucratic authority is a strict hierarchy with a clear separation of tasks and functions

1 Despite Weber’s admiration for the rationality and efficiency of bureaucracy, he was aware of its flaws, among them: (1) the potential for routinisation to hamper the personal development of the organization’s members; (2) the capacity for a powerful machinery to overstep its defined function, ignoring that bureaucracy is subject to the rule of law and not in charge of it; and (3) an entronement of bureaucracy such that it could be used for evil as well as good (Weber 1922: 34-35; see also Bauman 2001).

following the principle of division of labour. The office, with its specific duties, forms the cornerstone of each organization. Moreover, the resources of the bureaucracy are distinct from those of its members; owning the means of administration (Weber 1922: 13) would allow the office to be sold, passed on by heredity, or misappropriated. As summarized by Reinhard Bendix's *précis* of Weber's views,

'officials and other administrative employees do not own the resources necessary for the performance of their assigned functions but they are accountable for their use of these resources. Official business and private affairs, official revenue and private income are separated ... Officers cannot be appropriated by their incumbents in the sense of private property that can be sold and inherited' (Bendix 1960: 419).

Corruption from this perspective, although never explicitly stated by Weber, is related in the eyes of many to deviation from formal rules and duties of a public role for personal gain (see Heidenheimer/Johnston 2005: 77-78; Mény/de Sousa 2001: 2824; Mungiu-Pippidi 2006; Nye 1967: 419). Many political scientists and criminologists have stuck to a public-office centred definition that focuses on forms of behaviour that violate legal standards. One prominent example is the often-quoted definition of corruption by Joseph S. Nye:

'Corruption is behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behavior as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses)' (Nye 1967: 419).

The advantage of public-office definitions is that they help to disentangle the complexity of corruption by offering a clear heuristic. They are stable and objective, often resembling the Penal Code (cf. Huisman/Vande Walle, chapter 8). As critics have pointed out, however, legal norms often reflect the ethics of a certain group and are thus socially disputable. Furthermore, they leave room for interpretation because they relate to a tangible value system of a specific group at a certain time (see Mény/de Sousa 2001: 2824).

With regard to the causes of public-office corruption we are not left with an elaborated concept but Weber's remarks in 'The Protestant Ethic and the Spirit of Capitalism', attribute corruption to individual failure, behaviour unworthy of true professionals and aristocrats at the bureaucratic apex (Windolf 2003: 190):

'The impulse to acquisition, pursuit of gain, of money, of the greatest possible amount of money, has in itself nothing to do with capitalism. This impulse exists and has existed among waiters, physicians, coachmen, artists, prostitutes, dishonest officials, soldiers, nobles, crusaders, gamblers, and beggars. One may say that it has been *common to all sorts and conditions of men at all times and in all countries of the earth*, wherever the objective possibility of it is or has been given' (Weber 2001/1904: xxxi (italics added)).

Weber did not, however, hold the opinion that avarice or ‘unlimited greed for gain’ (Weber 2001/1904: xxxi) was identical to capitalism but that ‘capitalism *may* even be identical with the restraint, or at least rational tempering, of this irrational impulse’ (Weber 2001/1904: xxxi). Irrational greed is transformed by the institutions of capitalism into the rational ‘pursuit of profit, and forever *renewed* profit, by means of continuous, rational, capitalistic enterprise’ (Weber 2001/1904: xxxii). Quite analogous to Weber’s depiction of capitalism as the rational form of profit-making in which passion, avarice, and greed are tamed by institutions, Weber viewed bureaucracy as the legal-rational form of executing power and repressing ‘irrational behaviour’ in a *stahlhartes Gehäuse* (iron cage). The metaphor of an iron cage refers to increasingly rational societies, which leave little room for personal attributes such as passion, love, or personal feelings but are dominated by clear means-end logics (Silberman 1993). Taken seriously, the metaphor implies that corruption occurs when the system of legal-rational dominance is not yet complete; loopholes remain for the bureaucrat’s private motives. In other words, the distinction between the private and public role is not clearly delineated, offering a gateway for behaviour that deviates from official behaviour. The deviant behaviour might stem from rules that are not explicit enough, suboptimal methods of sanctioning and supervision, an inferior system of recruitment, or an organizational ethos that has not been fully penetrated by the official structure.

It would not do justice to a Weberian reasoning to restrict public office corruption to modern bureaucracies and the ‘web of reciprocities’ to patrimonial societies. As previously stated, logics and types of dominance merge and form hybrids. Modern ‘cages of reason’ can be prone to ‘webs of reciprocity’ as well as a logic of patrimonialism. Government departments in many Western democracies, for example, are staffed with officials that fulfil the criteria of civil servants and are therefore important ingredients of the bureaucratic rationality; they can also be occupied by political appointees who act as transmission belts between administrative and political rationalities. Political scientists have termed this phenomenon ‘politicization’: public officials pay greater attention to politics and politicians are interested in ensuring that civil servants are compatible with their own partisan and policy preferences (Peters/Pierre 2004: 1). This does not imply that patrimonialism is the immediate consequence of politicization, but it can be a gateway for conflicts of interests and webs of reciprocities if for example staffing is influenced by party considerations rather than merit.

5. Conclusion

The Weberian distinction between a rational-legal and a patrimonial type of domination offers a conceptual departing point to distinguish between (1) a

public-office based definition of corruption as the misuse of public office for private gain under legal-rational rule, and (2) a favouritism-based definition of corruption that forms an inherent part of a patrimonial 'strategy of rulership' to win personal loyalties by distributing material rewards, commonly known as nepotism or patronage.

The favouritism-based perspective on corruption offers a lens for the analysis of a systemic form of corruption that has the character of a 'web of reciprocities': corruption and its causes are located in the wider context of a specific form of domination and personal rulership. Corruption is thus a strategy to influence and exert power over people through forms of favouritism and patronage. This perspective enlightens us to a corruption that is not a failure of individuals but a coherent strategy with its own rules and logic to achieve obedience and contribute to the stability of a regime. It does not account for the more random or sporadic forms of corruption that often occur in administrative systems. The perspective emphasizes a specific form of a more stable and systemic corruption.

An explicit understanding and legally-sanctioned definition of corruption in the legal-rational sense comes into existence when the private household and the public office become separate entities, a process that occurs with the rise of a bureaucratic system. Corruption takes place when the system of legal-rational dominance is not sufficiently diffused, leaving loopholes that will be exploited by the bureaucrat's private motives. The distinction between the private and the public role is not clearly delineated and the fuzzy line offers a gateway for behaviour that deviates from a person's official administrative role.

In modern governmental organizations the clear distinction between these two types of dominance does not always reflect reality, and patrimonial and legal-rational modes merge. Max Weber's explicit contribution to the understanding of the logic of different systems of domination stands undisputed, however his contribution to an understanding of corruption in modern states – albeit a challenge to a certain extent – has had mainly an implicit impact on many students and their definition of corruption but will hopefully receive more explicit attention in the future.